

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Matthias KRULL et al.      Docket: 1997DE403C/CIP  
Serial No.: 09 107788,261      Group Art Unit: 1714  
Filed: February 19, 2001      Examiner: Medley, Margaret B.  
For: FUEL OILS BASED ON MIDDLE DISTILLATES AN COPOLYMERS OF  
ETHYLENE AND UNSATURATED CARBOXYLIC ESTERS

**TERMINAL DISCLAIMER TO OBIATE A DOUBLE PATENTING  
REJECTION OVER A CO-PENDING APPLICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The owner, Clariant GmbH of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of US Patent No. 6,652,610, granted 11/25/2003, (Application No. 09/760,319). The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a) and 1.10**

I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the U.S. Patent and Trademark Office. (Fax No. (703) 872-9306 [Group 1714]) (2 pages)

Vicki L. Sgro: 

Date: December 5, 2003

Docket: 1997DE403C/CIP  
 Serial No.: 09/788,281  
 Filed: February 19, 2001  
 Group Art Unit: 1714  
 Examiner: Medley, M.

in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge the fee due under 37 CFR 1.20(d) in the amount of \$110.00 to Deposit Account No. 03-2060. The Commissioner is also authorized to charge any fee deficiency asserted to be paid, or which should have been paid herewith, or with any paper hereafter filed in this application and credit any fee overpayment to Deposit Account No. 03-2060. A duplicate copy of this petition is attached.

The undersigned is an attorney of record.

Respectfully submitted,

  
 Richard P. Silverman, Registration No. 36,277

Clariant Corporation  
 Industrial Property Department  
 4000 Monroe Road  
 Charlotte, North Carolina 28205  
 Telephone: 704/331-7156  
 Facsimile: 704/331-7707